

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL MISCELLANEOUS PETITION No.17395 of 2019
IN CRL.RC.NO.1286 OF 2019

SATHYA

[PETITIONER]

vs

R.PONNUSAMY

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1286/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in C.C.No. 151/2016 dated 05-04-2018 on the file of the Judicial Magistrate, Fast Track Court, Judicial Magistrate Level- II coimbatore confirmed in C.A NO. 174/2018 dated 04-09-2019 on the file of Vth Additional District sessions Judge of coimbatore, [CRL.MP.NO.17395/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1286/2019 on the file of the High Court and upon hearing the arguments of M/S. C.DEIVASIGAMANI Advocate for the petitioner the court made the following order:-

- 1.This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, seeking suspension of conviction and sentence of imprisonment, imposed vide judgment, dated 05.04.2018, made in C.C.No.151/2016, by the Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore, confirming the conviction and sentence of imprisonment imposed by the judgment dated 04.10.2019, made in Crl.A.No.174/2018, by the V Additional District and Sessions Judge, Coimbatore, pending disposal of this criminal revision case.
2. This court heard the submissions made by the learned counsel for the petitioner/accused and also perused both the impugned Judgments.
3. In and by the impugned judgement of the Trial Court, the petitioner/accused was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo One Year Simple Imprisonment and to pay a fine of Rs.10,000/- in default, to undergo Three Months Simple Imprisonment and the default sentence imposed upon the petitioner/accused on non payment of fine amount shall run consecutively.

4. The learned counsel for the petitioner/accused would submit that the petitioner/accused is a lady and that there are arguable points in the criminal revision case and that the revision petition is not likely to be taken for final hearing in the near future and that the petitioner/accused has got a fair chance of succeeding in the criminal revision case and would pray that the substantive sentence imposed against the petitioner/accused may be suspended on condition of depositing some amount. He would submit that without prejudice to his contentions, the petitioner/accused is prepared to deposit 50% of the cheque amount.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner/accused, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the criminal revision case, suspension of sentence and bail are granted on the following conditions :-

- a) The petitioner/accused shall deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs Only) which is 50% of the cheque amount, i.e., Rs.12,00,000/- before the Trial Court, within a period of four weeks from the date of receipt of a copy of this order and on such deposit being made, the Trial Court shall redeposit the said amount in a fixed deposit account in any nationalized bank, so that the amount accrues interest. The disbursal of this amount shall be decided at the culmination of the revision petition. Thereafter, the petitioner/accused is ordered to be released on bail, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore.
- b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.
- c) The Petitioner/Accused shall appear before the Trial Court at 10.30 a.m. on the first working day of every month, until the disposal of the revision petition and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.
- d) On the failure of the Petitioner/Accused, depositing the said amount, it is open to the Trial Court to commit the petitioner/accused into custody for undergoing the sentence.

6. Post the matter on 02.01.2020 for "reporting compliance".

-sd/-
26/11/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT AT MAGISTERIAL LEVEL-II,
COIMBATORE

2 THE V ADDITIONAL DISTRICT AND
SESSIONS JUDGE, COIMBATORE

+1 C.C. to M/S. C.DEIVASIGAMANI Advocate on payment of
necessary charges SR.NO. 24414

Order
in
CRL MP.17395/2019

IN CRL.RC.NO.1286 OF 2019

सत्यमेव जयते Date :26/11/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 04/12/2019

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